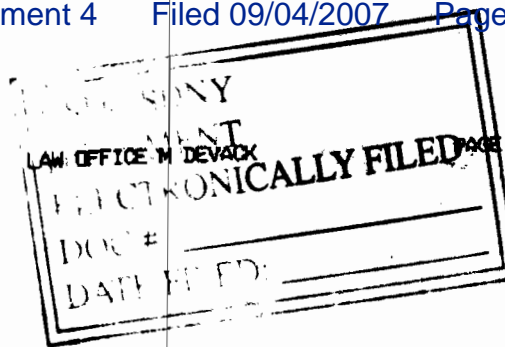


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REAR, J.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

BIRKS & MAYORS, INC.,

Plaintiff,

- against -

L.J. WEST DIAMONDS, INC.,

Defendant.

Index No. 07 CIV 6688 (KMK)

ECF Case 07 CV 6688 (KMK)

STIPULATION AND
ADMISSION OF SERVICE

X

It is hereby stipulated and agreed by and between the attorneys for plaintiff and the attorneys for defendant, as follows:

1. That defendant's time to answer or move with respect to the Complaint is hereby extended through and including September 13, 2007.

2. That defendant hereby admits due and timely service and receipt of the Summons and Complaint herein, and waives any defenses based on service of process.

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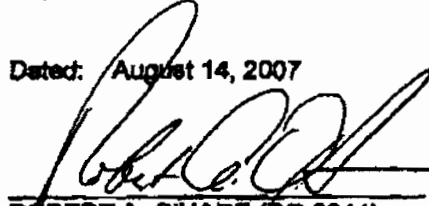
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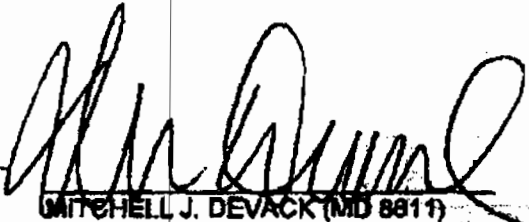
LAW OFFICE M DEVACK

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3. A facsimile of this Stipulation shall be effective for all purposes as an original.

Dated: August 14, 2007


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SO ORDERED:


HON. KENNETH M. KARAS

Date: 8/28/07